

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Harrisonburg Division)**

THOMAS D. DOMONOSKE, individually and
on behalf of all those similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., a national
banking association,

Defendant.

Civil Action No. 5:08-cv-00066

VICTOR RIVERA, individually and on behalf
of all those similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., a national
banking association,

Defendant.

Civil Action No. 5:09-cv-00080

STIPULATION FOR CONSOLIDATION OF ACTIONS

Thomas D. Domonoske, plaintiff in the above captioned civil action No. 5:08-cv-00066 (“*Domonoske* Action”), Victor Rivera, plaintiff in the above captioned civil action No. 5:09-cv-00080 (“*Rivera* Action”), and Bank of America, N.A., (“Bank”), defendant in both actions (collectively, “the parties”), by their respective counsel, respectfully submit this stipulation for the consolidation of actions in accordance with Federal Rules of Civil Procedure Rule 42(a), and in support thereof, state as follows:

1. Both the *Domonoske* Action and the *Rivera* Action, are putative class actions, in which plaintiffs allege that the Bank violated 15 U.S.C. § 1681g(g) of the Fair Credit Reporting

Act (FCRA), which requires mortgage lenders to provide a prescribed notice and credit score disclosure to certain loan applicants “as soon as reasonably practicable” after the lender’s use of the credit score.

2. The parties have entered into a global settlement agreement resolving the claims in both Actions, pending approval by the Court. The settlement agreement has been filed in the *Domonoske* Action as part of the Motion for Preliminary Approval of Class Settlement filed September 30, 2009 by plaintiff in the *Domonoske* Action. If the settlement is approved, the same attorneys will be acting as Class Counsel with respect to both Actions.

3. The *Rivera* Action, originally filed in the Eastern District of Virginia (Richmond Division), was transferred to this Court by Order entered October 2, 2009, in order to effectuate the global settlement.

4. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the Court may consolidate actions pending before it if those actions involve “a common question of law or fact.” The Court has broad discretion under Rule 42(a) to order consolidation of cases pending in the same district. *See A/S J. Ludwig Mowinckles Rederi v. Tidewater Constr. Corp.*, 559 F.2d 928, 933 (4th Cir.1977). Moreover, judicial economy generally favors consolidation. *Switzenbaum v. Orbital Scis. Corp.*, 187 F.R.D. 246, 248 (E.D.Va .1999).

5. In the instant actions, judicial economy favors consolidation. The presentation of the settlement and, if approved, its administration, will be much simpler and efficient for the Court and parties if presented and administered in one action, instead of having to be submitted and administered in both.

6. For all these reasons, the parties stipulate to and jointly move the Court to consolidate the *Domonoske* Action and the *Rivera* Action for the purpose of effectuating the global settlement.

IT IS SO STIPULATED.

Dated: October 6, 2009

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By: /s/ Timothy E. Cupp

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Certificate of Service

I hereby certify that on October 7, 2009, I served the foregoing STIPULATION FOR CONSOLIDATION OF ACTIONS with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following:

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